**CAUSE NO. 2020-00000**

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| **PLAINTIFF,**  **v.**  **DEFENDANT.** | **§**  **§**  **§**  **§**  **§** | **IN THE DISTRICT COURT OF**  **HARRIS COUNTY, T E X A S**  **129th JUDICIAL DISTRICT** |

**ORDER GRANTING 106(b) SUBSTITUTED SERVICE VIA**

**SOCIAL MEDIA, EMAIL OR OTHER TECHNOLOGY**

The Court considered the motion for substituted service pursuant to Texas Rules of Civil Procedure Rule 106(b). The Court **FINDS** that movant has attempted to serve the citation on Defendant pursuant to 106(a)(1) or (a)(2) at a location where Defendant can probably be found and stated specifically the facts supporting the same but has not been successful. The Court further **FINDS** that movant has provided sufficient facts or other evidence which shows electronic service via social media, email or other technology will be reasonably effective to give the Defendant notice of the suit. It is therefore **ORDERED** that the motion for substituted service is **GRANTED**.

It is further **ORDERED** that service of process may be made upon Defendant by:

(1) direct messaging a copy of the CITATION, the PETITION, and this ORDER using [specify one: Facebook, Twitter, Instagram, or other social media platform] to Defendant’s social media profile at ; AND/OR

(2) e-mailing a copy of the CITATION, the PETITION, and this ORDER to Defendant’s email address at ; AND/OR

(3) texting a copy of the CITATION, the PETITION, and this ORDER to Defendant’s phone number at .

It is further **ORDERED** that service made by any of the above methods shall include the following language in the body of its message: “You have been sued. The Court has authorized service of process on you by electronic means. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued the attached citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Please attached a copy of the citation, petition, and substituted service order. Please contact the clerk of the court for more information.”

It is further **Ordered** that the service made by any of the above methods (“Electronic Service”) shall not be deemed complete unless it also complies with the following provisions:

(a) Electronic Service shall be made at least three times separated by no less than 24 hours (with no indicia that each applicable Electronic Service was not delivered or did not go through), unless the recipient responds to the Electronic Service at which point no further Electronic Service attempts are necessary;

(b) the return of service shall not be made until 30 days [*reduce to 3 days in context of a TI hearing*] after full compliance with subsection (a) above, or until three days after the process server receives a response to any Electronic Service from the recipient, whichever is earlier;

(c) the return of service shall include a statement setting out the date and result of each Electronic Service, including whether the Electronic Service did not go through, whether there was a read receipt or response, or whatever happened as a result of the Electronic Service; and

(d) a copy of each Electronic Service (e.g., a copy of the complete email or a screen-shot of the complete direct message or text message identifying recipient and when it was sent) and any response or read receipt, if available, to the Electronic Service shall be attached to the return of citation.

The return of service of the person executing service pursuant to this Order shall otherwise be made in accordance with Rule 107 of the Texas Rules of Civil Procedure.

Service will be complete upon compliance with this Order regardless of whether Defendant responds.

SIGNED this \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2021.

Michael Gomez

Judge, 129th District Court